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09/607,606	06/30/2000	Henry C. Yuen	YUN-13402/03	8540

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No: 22

Application Number: 09/607606

Filing Date: 6/30/00

Appellant(s): Henry C. Yuen

John G. Posa

For Appellant

EXAMINER'S ANSWER

Art Unit: 3624

This is in response to the appeal brief filed 8/7/03.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims belong to Group I or Group II is not agreed to. All claims are part of the same invention because they address a method of purchasing goods and services over a network and the concomitant mechanisms thereto.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,890,138	GODIN	3-1999
5,754,938	HERZ	5-1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 2-3,6,8-9 are rejected under 35 USC 103(a) as unpatentable over Godin(US Pat. No:5,890,138) in view of Herz(US Pat. No: 5,754,938).
2. As per claim 8 Godin teaches a method of purchasing goods or services over a network(Abstract). Godin teaches the minimum cost of an item(col 3 line 36) and a product street price(col 3 line 38) (Fig 4) as well as a starting price(Fig 4)(col 3 line 33). Godin further teaches a reverse auction method(Abstract)(col 1 line 58-col 2 line 14) as well as soliciting successively lower prices in the reverse auction from a second set of buyers(col 2 lines 1-14) Herz teaches conducting a search over the network to determine the most favorable advertised price for the goods or services on a sort by price structure(col 8 line 66-col 9 line 17)(col 14 line 50-57)(col 70 lines 10-27)(Fig 16/1600/1601/1602/1603/1604/ 1605/1606/1607/1608/1609). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach the above. The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10) as applied to purchasing goods over a network.
3. As per claim 9 Godin teaches a method of purchasing goods or services over the Internet

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(Abstract). Godin teaches the minimum cost of an item(col 3 line 36) and a product street price (col 3 line 38)(Fig 4) as well as a starting price(Fig 4)(col 3 line 33) thereby obtaining a posted price associated with the goods from this class of vendors from the Internet. Godin further teaches a reverse auction method(Abstract)(col 1 line 58-col 2 line 14) as well as soliciting successively lower prices in the reverse auction from a second set of buyers(col 2 lines 1-14) and the subsequent purchase of the item(col 2 lines 9-14) through the reverse auction process. Godin does not specifically teach sorting items based on price. Herz teaches the method wherein the electronic purchasing of objects over the Internet is presented(col 70 lines 10-14) whereby automated browsing and clustering concepts are used to more effectively group items by price (col 7 lines 19-27) including the lowest price. Herz does teach browsing concepts to permit information retrieval to sort on price(col 70 line 25) as well as the calculation of price differences (col 14 lines 50-57). Herz further teaches conducting a search over the network to determine the most favorable advertised price for the goods or services on a sort by price structure (col 8 line 66-col 9 line 17)(col 70 lines 10-27)(Fig 16/1600/1601/1602/1603/1604/1605/1606/1607/1608/1609). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach browsing over the distribution of vendors for favorable prices through heirarchical clustering and categorization labels (col 70 lines 21-27). The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10) as applied to purchasing goods over a network.

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3. As per claim 2 Godin teaches the method of claim 8, wherein the network is the Internet (Abstract)(col 3 lines 14-18)(Fig 1/6).

4. As per claim 3 Godin teaches according to the the method of claim 8. Godin does not specifically teach the use of a search engine. Herz teaches the step of conducting a search over the network includes the use of a search engine(col 7 lines 9-44). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach that the use of a browser includes utilizing an existing search engine. The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10) as applied to purchasing goods over a network. .

5. As per claim 6 Godin teaches according to the method of claim 9. Godin does not specifically teach the use of a search engine. Herz teaches wherein the step of conducting a search over the network includes the use of a search engine(col 7 lines 9-44). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach that the use of a browser includes utilizing an existing search engine. The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10)as applied to purchasing goods over a network.

(11)

Response to Arguments

6. Applicant's arguments filed 11/18/02 have been fully considered but they are not persuasive. Applicant acknowledges that the navigation through information by search engines is part of applicant's invention. The remaining portion of this invention is addressed by Herz. In Herz, target objects are equivalent to products and target profiles are price levels for these target

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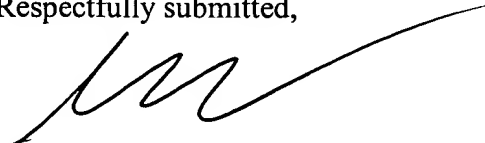
objects(products) as well as characteristics of the products that a user(customer) finds desirable.

Herz conducts a sort by price structure to find the most favorable advertised price for a target object(product)(col 8 line 66-col 9 line 17)(col 14 line 50-57)(col 70 lines 10-27)(Fig 16).

Herz further employs clustering concepts to effectively group items by price(col 7 lines 19-27) as well as utilizing browsing methods to permit information retrieval to sort on price(col 70 line 25) and the calculation of price differences(col 14 lines 50-57). Godin also teaches submitting a starting bid over the Internet(col 2 line 46) for any party as well as collecting one or more reverse bids over the Internet(Abstract) where each successive reverse bid represents a price lower than the starting price(col 2 lines 48-54) and selecting a final bid from among the reverse bids (col 6 line 37-col 7 line 8)(Fig 12) and purchasing the goods using the final bid(col 6 lines 56-58) (col 2 lines 60-64). Combination of Godin with Herz to teach finding the lowest possible price from the differences in prices obtained above and for which the starting bid is an upper bound is established. The motivation to combine is to teach a system that permits users to navigate through the product information(target characteristics) over a distribution of vendors for favorable advertizing prices using clustering and categorization labels(col 70 lines 21-27) as taught by Herz to obtain the lowest possible posted price(target characteristic) from which to establish the starting bid in the reverse auction in the procedure toward obtaining the best auction price.

For the reasons cited above, the rejections should be sustained.

Respectfully submitted,



(Dr.) Geoffrey R. Akers

October 5, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER

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